



163 #5  
2002  
10/2/02

PATENT  
Attorney Docket No.: DALHO1340-1  
(028614-1303)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lee and Halperin

Title: GENETICALLY ENGINEERED  
ORAL COMMENSAL ORGANISMS AS  
VACCINES

Appl. No.: 10/019,453

Filing 10-23-01

Date:

Examiner: Unknown

Art Unit: Unknown

CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as  
enclosed herein are being deposited with the  
United States Postal Service as first class mail on  
the date below, in an envelope addressed to:  
Assistant Commissioner for Patents, Washington,  
D.C. 20231

Stephen E. Reiter, Reg. No. 31,192  
(Name of person mailing paper)

Stephen E. Reiter 9/19/02  
Signature Date

Commissioner for Patents  
Washington, D.C. 20231

IDS TRANSMITTAL

Sir:

Transmitted herewith for the above-identified application please find:

- (1) Information Disclosure Statement.
- (2) Completed Form PTO-1449.
- (3) Copies of the cited references..
- (4) Return Postcard.

RECEIVED

SEP 27 2002

TECH CENTER 1600/2900

In re Application of:  
Lee and Halperin  
Application No.: 10/019,453  
Page 2

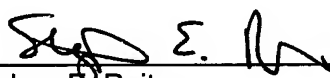
PATENT  
Attorney Docket No.: DALHO1340-1  
(028614-1303)

The Commissioner is hereby authorized to charge any other fees that may be required by this paper or credit any overpayment to Deposit Account No. 50-0872.

Respectfully submitted,

Date: \_\_\_\_\_

9/19/02



Stephen E. Reiter  
Reg. No. 31,192  
Attorney for Applicant  
Telephone: (858) 847-6711  
Facsimile: (858) 792-6773

FOLEY & LARDNER  
P.O. Box 80278  
San Diego, California 92138-0278



Atty. Dkt. No. DALHO1340-1  
(028614-1303)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Lee and Halperin  
Title: GENETICALLY ENGINEERED  
ORAL COMMENSAL  
ORGANISMS AS VACCINES

Appl. No.: 10/019,453

Filing 10-23-01  
Date:

Examiner:

Art Unit:

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.  <u>Stephen E. Reiter, Reg. No. 31,192</u> (Printed Name)  <u>SEP E. Reiter</u> (Signature)  <u>9/19/02</u> (Date of Deposit)
--

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents

Washington, D.C. 20231

Sir:

Applicants submit herewith on Form PTO-1449 a listing of the documents cited by, or submitted to, the U.S. PTO in parent application Serial No. PCT/US00/10954, filed April 21, 2000. Copies of the documents cited in the International Preliminary Examination Report, Written Opinion and International Search Report are being provided herewith.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

RECEIVED

SEP 27 2002

TECH CENTER 1600/2900

In re application of  
Song F. Lee et al.  
Application No. 10/019,453

Atty. Dkt. No. DALHO1340-1  
(028614-1303)

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

**RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date

9/19/02

By

Stephen E. Reiter

FOLEY & LARDNER  
P.O. Box 80278  
San Diego, California 92138-0278  
Telephone: (858) 847-6711  
Facsimile: (858) 792-6773

Stephen E. Reiter  
Attorney for Applicant  
Registration No. 31,192

Form PTO-1449

U.S. DEPARTMENT OF COMMERCE

ATTY. DOCKET NO.

SERIAL NO.

(MODIFIED)

PATENT AND TRADEMARK OFFICE

DALHO1340-1 (028614-  
1303)

10/019,453

## INFORMATION DISCLOSURE CITATION

APPLICANT

Lee and Halperin

FILING DATE

10/23/01

GROUP ART UNIT

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE

## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	A1	Homonylo-McGavin et al., "Role of C terminus in antigen P1 surface localization in Streptococcus mutants and two related cocci," Bacteriology, 178: 801-807, 1996.
	A2	Oggioni et al., "Immunization of mice by oral colonization with live recombinant commensal streptococci Vaccine," Vaccine, 13: 775-779, 1995.
	A3	Boucher et al., "Neutralizing antibodies and immunoprotection against Pertussis and Tetanus obtained by the Use of a recombinant pertussis toxin-tetanus toxin fusion protein," Infection and Immunity, 62:449-456, 1994.
	A4	Crystal et al., "Transfer of genes to humans: Early lessons and obstacles to success," Science, 270:404-410, 1995.

RECEIVED

SEP 27 2002

EXAMINER

DATE CONSIDERED

TECH CENTER 1600/2900

\* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.